



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,070	06/25/2001	Lauge S. Sorensen	219.40065X00	6580
23838	7590	05/10/2005	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			MARTIN, NICHOLAS A	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,070

Applicant(s)

SORENSEN, LAUGE S.

Examiner

Nicholas Martin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/21/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2154

1. Claims 1 and 3-20 are presented for examination. Claim 2 has been cancelled.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

3. Applicants arguments filed on 02/08/2005 have been fully considered but they are not persuasive.
4. As per remarks, Applicants' argued that (1) Hailpern does not teach the content developer entering the identifiers that are later used in generating the HTTP header.
5. As to point (1), Hailpern discloses a content developer entering the identifiers that are later used in generating the HTTP header (Col. 17, lines 34-40; Col. 18, lines 61-64; Col. 19, lines 9-17 "...each object in said set includes a head which is an HTTP header, said categorization value includes META-tag information, and modifying means modifies...by inserting, deleting and updating said META-tag information in said HTTP header...").
6. As per remarks, Applicants' argued (2) Hailpern does not teach or suggest that the information in the HTML or XML content be Internet cache control information as recited in claims 5, 12 and 19.

Art Unit: 2154

7. As to point (2), Hailpern discloses the limitation that the information in the HTML or XML content be Internet cache control information (Col. 2, lines 16-19 "... act as agents on behalf of the client to locate an object... returning a cached copy. Caching proxies typically serve as secondary or higher level caches..."; Col. 16, lines 15-21 "...using a client-side proxy to examine the META-tag of a Web page or objects...displaying the associated META-tag information with each link (e.g., HTTP link) in the web page..."; Col. 1, lines 37-56).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 3-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hailpern et al. (hereinafter Hailpern) US 6,094,657.

Art Unit: 2154

10. As per claim 1, Hailpern teaches a method for moving Hyper Text Markup Language (HTML) and Extensible Markup Language (XML) information into a Hyper Text Transfer Protocol (HTTP) header, comprising the steps of:

creating HTML or XML content by a developer at a network device (Col. 6, lines 47-51; Col. 17, lines 34-40; Col. 18, lines 61-64; Col. 19, lines 9-17);

inserting information into the content by the developer, all inserted information having identifiers (Col. 3, lines 38-40; Col. 6, lines 3-12; Col. 17, lines 34-40; Col. 18, lines 61-64; Col. 19, lines 9-17);

searching the content for all information with the identifiers (Col. 7, lines 1-3; Col. 18, lines 8-11); and

generating a HTTP header for the content, the generated HTTP header including the information located in the content (Col. 6, lines 11-12, lines 22-24, lines 47-51).

11. As per claim 3, Hailpern teaches the method of claim 2, wherein:

the network device is a web server (Col. 4, lines 20-25, lines 34-39).

12. As per claim 4, Hailpern teaches the method of claim 1, wherein:

the content comprises of at least one web page (Col. 15, 56-59; Col. 16, lines 1-2).

13. As per claim 5, Hailpern teaches the method of claim 1, wherein:

the information comprises Internet cache control information (Col. 2, lines 16-19; Col 16, lines 15-21).

14. As per claim 6, Hailpern teaches the method of claim 1, wherein:

the identifiers comprise at least of one Meta tag, a label, a tag and a command (Col. 5, lines 65-67; Col. 6, lines 1-2).

15. As per claim 7, Hailpern teaches the method of claim 1, which performs:
the searching and generating at a network node, the network node being at a different location than where the creating and inserting are performed (Col. 6, lines 11-12, lines 22-24, lines 47-51; Col. 7, lines 1-3; Col. 8, lines 10-23; Col. 18, lines 8-11;).
16. As per claim 8, Hailpern teaches the method of claim 7, wherein:
the network node comprises a router (Col. 4, lines 37-39).
17. As per claim 9, Hailpern teaches the method of claim 8, further comprising:
performing the searching and generating by a network appliance at the router (Col. 4, lines 34-39; Col. 6, lines 11-12, lines 22-24, lines 47-51; Col. 7, lines 1-3; Col. 8, lines 10-23; Col. 18, lines 8-11;).
18. As per claim 10, Hailpern teaches a device connected to a network, comprising:
an interface to at least one network device, the interface receiving HTML or XML content, the content having information inserted into it by a developer of the content, all inserted information having identifiers (Col. 3, lines 38-40; Col. 6, lines 3-12, lines 47-51; Col. 17, lines 34-40; Col. 18, lines 61-64; Col. 19, lines 9-17);
a network appliance, the network appliance searching the content for all information with the identifiers and generating a HTTP header for the content, the generated HTTP header including the information located in the content (Col. 6, lines 11-12, lines 22-24, lines 47-51; Col. 7, lines 1-3; Col. 18, lines 8-11;); and
a second interface to a network, the HTTP header and associated content being sent to across the second interface to at least one network node (Col. 8, lines 13-23).
19. As per claim 11, Hailpern teaches the device in claim 10, wherein:

- the at least on network device comprises a server (Col. 4, lines 20-25, lines 34-39).
20. As per claim 12, Hailpern teaches the device of claim 10, wherein:
the information comprises Internet cache control information (Col. 2, lines 16-19;
Col 16, lines 15-21).
21. As per claim 13, Hailpern teaches the device of claim 10 wherein:
the identifiers comprise at least one of a Meta tag, label, tag, and a command
(Col. 5, lines 65-67; Col. 6, lines 1-2).
22. As per claim 14, Hailpern teaches the device of claim 10, wherein:
the network comprises the Internet (Col. 4, lines 22-25).
23. As per claim 15, Hailpern teaches the device of claim 10, wherein:
the at least one network node comprises an Internet cache (Col. 2, lines 16-19;
Col. 16, lines 15-33).
24. As per claim 16, Hailpern teaches the device of claim 10, wherein:
the content comprises at least one web page (Col. 15, 56-59; Col. 16, lines 1-2).
25. As per claim 17, Hailpern teaches an apparatus comprising a storage medium with
instructions stored therein, the instructions when executed causing a computing device to
perform:
receiving HTML or XML content, the content having information inserted into it by a
developer of the content, all inserted information having identifiers (Col. 3, lines 38-40;
Col. 6, lines 3-12; Col. 8, lines 30-33; Col. 17, lines 34-40; Col. 18, lines 61-64; Col. 19,
lines 9-17);

searching the content for all information with the identifiers (Col. 7, lines 1-3; Col. 18, lines 8-11); and

generating a HTTP header for the content, the generated HTTP header including the information located in the content (Col. 6, lines 11-12, lines 22-24, lines 47-51).

26. As per claim 18, Hailpern teaches the apparatus of claim 17, wherein:
the content comprises of at least one web page (Col. 15, 56-59; Col. 16, lines 1-2).
27. As per claim 19, Hailpern teaches the apparatus of claim 17, wherein:
the information comprises Internet cache control information (Col. 2, lines 16-19; Col 16, lines 15-21).
28. As per claim 20, Hailpern teaches the apparatus of claim 17, wherein:
the identifiers comprise at least one of a Meta tag, label, tag, and a command (Col. 5, lines 65-67; Col. 6, lines 1-2).

Response to Amendment

29. Examiner acknowledges amendments to claims 1, 10 and 17 for correction of minor informalities. Objection has been withdrawn.
30. Examiner acknowledges amendments to claims 1, 10 and 17 pertaining to 35 U.S.C. § 112, second paragraph. Objection has been withdrawn.
31. Examiner acknowledges amendments to the specification, which now appears to be in conformance with MPEP § 608.01(g). Objection has been withdrawn.

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

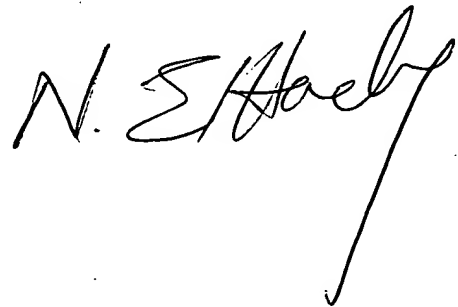
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Martin
Art Unit 2154
May 3, 2005

A handwritten signature in black ink, appearing to read "N. S. Haebly". The signature is written in a cursive style with a long, sweeping vertical stroke at the end.